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**U.S. DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE PORTFOLIO RECOVERY  
ASSOCIATES, LLC  
TELEPHONE CONSUMER  
PROTECTION ACT  
LITIGATION**

Case No.: 11-MD-02295-JAH-  
BGS

**MOTION TO DISMISS  
*BUKVICH* MEMBER  
ACTION WITH PREJUDICE**

This Document Relates to *BUKVICH  
V. PORTFOLIO RECOVERY  
ASSOCIATES LLC*, Case No.: 3:15-  
cv-01349

Defendant Portfolio Recovery Associates, LLC, (“PRA”) through its counsel, respectfully moves for the Court to dismiss *Bukvich v. Portfolio Recovery Associates LLC*, Case No. 3:15-cv-01349 (“the *Bukvich* action”), including all claims and counterclaims that were or might have been asserted in the *Bukvich* action, with prejudice and with each party to bear its own costs and attorneys’ fees.

1 On April 2, 2019, counsel for Plaintiff Mildred Bukvich filed a Notice of  
2 Suggestion of Death relating to Ms. Bukvich. (See 3:15-cv-01349-JAH-BHG, Dkt.  
3 No. 65.) Since that time, more than 90 days ago, no motion for substitution has  
4 been made by any party or by the decedent's successor or representative. See Fed.  
5 R. Civ. P. 25(a)(1). Because no motion has been made within 90 days after that  
6 statement noting the death, the action by Bukvich "must be dismissed." *Id.*

7 According, PRA respectfully requests the Court dismiss the *Bukvich* action  
8 by valid order pursuant to this Motion to Dismiss with Prejudice and to direct the  
9 Clerk of this Court to transmit a copy of the same to the Clerk of the United States  
10 Judicial Panel on Multidistrict Litigation. See J.P.M.L. Rule 10.1 ("Where the  
11 transferee district court terminates an action by valid order, including but not  
12 limited to summary judgment, judgment of dismissal and judgment upon  
13 stipulation, the transferee district court clerk shall transmit a copy of that order to  
14 the Clerk of the Panel. The terminated action shall not be remanded to the  
15 transferor court and the transferee court shall retain the original files and records  
16 unless the transferee judge or the Panel directs otherwise.").

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19 DATED: July 2, 2019

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**CERTIFICATE OF SERVICE**

I, Cassandra B. Merrick, counsel for Defendants, hereby certify that service of the foregoing MOTION TO DISMISS WITH PREJUDICE AND PROPOSED ORDER was filed electronically and sent via e-mail through the CM/ECF system to the following:

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9 The Word version of the Proposed Order was submitted via email to the  
10 Honorable John A. Houston and was also emailed to the above-listed counsel.  
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12 DATED: July 2, 2019

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